

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:19-CV-272-LCB-LPA

MAXWELL KADEL, JASON FLECK,
CONNOR THONEN-FLECK, by his next
friends and parents, JASON FLECK AND
ALEXIS THONEN, JULIA MCKEOWN,
MICHAEL D. BUNTING, JR., C.B., by
his next friends and parents, MICHAEL
D. BUNTING, JR. and SHELLEY K.
BUNTING, and SAM SILVAINE,

Plaintiffs,

v.

DALE FOLWELL, in his official capacity
as State Treasurer of North Carolina, DEE
JONES, in her official capacity as
Executive Administrator of the North
Carolina State Health Plan for Teachers
and State Employees, UNIVERSITY OF
NORTH CAROLINA AT CHAPEL
HILL, NORTH CAROLINA STATE
UNIVERSITY, UNIVERSITY OF
NORTH CAROLINA AT
GREENSBORO, and NORTH
CAROLINA STATE HEALTH PLAN
FOR TEACHERS AND STATE
EMPLOYEES,

Defendants.

MOTION FOR EXTENSION OF TIME

Fed. R. Civ. P. 6(b) and LR 6.1

PURSUANT to Fed. R. Civ. P. 6(b) and LR 6.1, Defendants University of North Carolina at Chapel Hill, North Carolina State University, and University of North Carolina at Greensboro (hereinafter “University Defendants”) hereby request an extension of time

in which to serve reply to Plaintiffs' Opposition to the Motion to Dismiss by University Defendants. In support of this motion, University Defendants show the following:

1. On March 11, 2019, Plaintiffs filed their Complaint in the United States District Court, Middle District of North Carolina.

2. On March 14, 2019, Plaintiffs served waivers of service of summons upon University Defendants.

3. University Defendants returned the executed waiver of service forms. Their answers or other responsive pleadings were currently due on May 13, 2019.

4. On May 7, 2019, University Defendants filed a motion for extension of time, which was granted by this court.

5. On June 10, 2019, all of the Defendants filed a Motion for Extension of Time and Motion to Join Briefing Schedule. These motions were granted by the court and Defendants' Reply deadline was set for August 19, 2019.

6. Due to other pressing matters and responsibilities, the undersigned needs additional time to continue to consult with her client and complete a response. An allowance of additional time will enable University Defendants and counsel to more accurately respond to Plaintiffs' claims and better preserve University Defendants' rights and interests.

7. Good cause exists for the requested extension of time, as follows:

- a. Plaintiffs' Opposition to the Motion to Dismiss by University Defendants was filed on August 5, 2019;

- b. On August 5, 2019, the undersigned was out of the office participating in a deposition in *James Hwang v. Bruce Cairns, et al.*, Durham County File No. 18 CVS 2942;
 - c. On August 7 and 8, 2019, the undersigned was out of the office on sick leave;
 - d. On August 13, 2019, the undersigned participated in a Rule 26(f) conference in *Jennifer Longo v. Elizabeth Aspinwall, et al.*, WDNC File No. 1:19-cv-58-MOC-WCM. The Rule 26(f) Report is due on or before August 22, 2019;
 - e. On or before August 23, 2019, the undersigned plans to file the State's appellate brief in *State v. Brandon Scott Goins*, COA File No. 19-288;
 - f. From August 23, 2019 through September 2, 2019, the undersigned will be out of the country on pre-planned leave, and had filed secured leave for this time in her state court cases;
 - g. On September 5, 2019, the undersigned has a responsive pleading due in *Sandra Davis v. University of North Carolina, et al.*, Guilford County File No. 19 CVS 3011; and
 - h. Plaintiffs' responsive brief details four issues which require a response.
8. University Defendants do not seek an extension for any improper purpose.

9. Counsel for University Defendants is requesting an additional thirty (30) days to confer with her clients and adequately prepare a reply.

10. Undersigned counsel has consulted with Plaintiffs' counsel. Plaintiffs' counsel has indicated no objection to the requested thirty day extension of time.

WHEREFORE, University Defendants request that the Court extend the deadline for serving their reply up to and including September 18, 2019.

This the 14th day of August, 2019.

JOSHUA H. STEIN
Attorney General

/s/Catherine F. Jordan
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*Attorneys for Defendants University of North
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University, and University of North Carolina at
Greensboro*

CERTIFICATE OF SERVICE

I certify that the foregoing **MOTION FOR EXTENSION OF TIME** was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users.

This the 14th day of August, 2019.

/s/Catherine F. Jordan

Catherine F. Jordan

Special Deputy Attorney General